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APPLICATION NO.	FILING DATE	FIRST-NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/725,326	11/28/2000	Matt Crosby	DIGIP013	5891
1333	7590	07/26/2005	EXAMINER	
BETH READ PATENT LEGAL STAFF EASTMAN KODAK COMPANY 343 STATE STREET ROCHESTER, NY 14650-2201			PERUNGAVOOR, SATHYANARAYA V.	
		ART UNIT		PAPER NUMBER
		2625		
DATE MAILED: 07/26/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/725,326	CROSBY ET AL.	
Examiner	Art Unit		
Sath V. Perungavoor	2625		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 27 June 2005.

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-24 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-24 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 27 June 2005 is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 01/08/2002.  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Applicant(s) Response to Official Action***

[1] The response filed on 27 June 2005 has been entered and made of record.

### ***Response to Arguments***

[2] Applicants' arguments filed on 27 June 2005 have been fully considered but they are not persuasive. Examiner's response to the presented arguments follows below.

#### **Objection to the Drawings**

##### *Summary of Arguments:*

Applicants amend the drawings to overcome the objections. Applicants request the withdrawal of the objection.

##### *Examiner's Response:*

Agreed. Examiner withdraws the previously made objection.

#### **Objection to the Specification**

##### *Summary of Arguments:*

Applicants amend the specification and the abstract to overcome the objections. Applicants request the withdrawal of the objection.

##### *Examiner's Response:*

Agreed. Examiner withdraws the previously made objection.

### **Claim Rejections - 35 USC § 101**

#### *Summary of Arguments:*

Applicants submit that a terminal disclaimer to overcome the double patenting rejections.

Applicants request the withdrawal of the double patenting rejections.

#### *Examiner's Response:*

Agreed. Examiner withdraws the previously made rejections.

### **Claim Rejections - 35 USC § 102**

#### *Summary of Arguments:*

Regarding claims 1-4: Applicants argue the following:

OPI does not teach:

1. “storing a digital negative of the multi-media object, wherein the digital negative represents the multi-media object at a first resolution and a first format and modifying the digital negative to form a resultant image at a second resolution and a second format”
2. “associating an edit list based on the modifying with the resultant image; linking the edit list to the digital negative”
3. “determining an output resolution and an output format of the resultant image; converting the resultant image to the determined output resolution and the determined output format”

Regarding claim 5: Applicants argue the following:

OPI does not teach:

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1. “the first node is a first computing device coupled to a first input device and a first output device and wherein the second node is a second computing device coupled to a second output device and a second input device”

Regarding claim 6: Applicants argue the following:

OPI does not teach:

1. “first computing device and the second computing device are linked in a peer-to-peer arrangement”

Examiner's Response:

Examiner respectfully disagrees.

Regarding claims 1-4, 11 and 12:

Item 1: Examiner directs the applicants to page 6, where MainImageID is the pathname to a high-resolution original image (digital negative). Pathname provides the stored (i.e. hard disk, memory or the like) location of a file (i.e. a high-resolution image file). Examiner further directs the applicants to pages 8 and 23, where ImageCropRect crops a section of the original (digital negative) and this changes the resolution. Notice on page 23, a 5760x7200 resolution image is converted to 80x60 subset image, a change in resolution as occurred since the image size has changed. The format is TIFF.

Following is an excerpt from the relevant section on page 23.

`%%ImageCropRect: 30.0 20.0 110.0 80.0`

Furthermore, Examiner notices the claim states nothing about the second resolution and format being distinct from the first resolution and format. This can be further evidenced in

claims 11 and 12, where there is an overlap in format types. Hence, some of the applicants' arguments are inconsonant with what is actually in the claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Moreover, Examiner contends that a potential 112 1<sup>st</sup> paragraph written description issue may arise if the claims are amended to recite a different second format. Examiner is unable to find any sections in the specification that would describe the second format to be different from the first format, Examiner requests the applicants point out sections in the specification that would clearly describe this feature. Examiner contends the specification does not disclose format conversion at all. On the contrary, Examiner finds sections in the specification that alludes to second format being same as the first format.

Following is an excerpt from the relevant section on page 16 of the specification:

It should be noted that both the digital negative and the resultant proxy image can be any industry-standard image formats (i.e. JPEG, PNG, GIF, etc) or even a proprietary file format (although not in the preferred embodiment) since the edit list and links

Item 2: Examiner directs the applicants to page 23, where statements beginning with “%%” define the edit list. It can be glaringly seen that these statements define the modification for the resultant image. It can also be glaringly seen that these statements are linked to the original (digital negative) image. The command %%ImageFileName defines the file path (i.e. link), where the path defines a location in hard drive or the like of the original (digital negative).

Following is an excerpt from the relevant section on page 23:

%%ImageFileName: (Server:Disk1:941106:Carlsen:hi-res:transistor.tif)  
%%ImageDimensions: 5760.0 7200.0  
%%ImageCropRect: 30.0 20.0 110.0 80.0

Item 3: Examiner directs the applicants to page 4 at the definition of OPI Consumer, where it can be seen OPI operates in streams, hence fetching is inherent. Albeit the term “fetching” is not explicitly disclosed, it is inherently present.

Item 4: Examiner directs the applicants to page 23, where ImageDimensions determines the output resolution of the resultant image and TIFFASCIITag determines the format (i.e. TIFF). It can be seen that the width and height are glaringly defined in terms of ImageDimensions at the middle of the page.

Following is an excerpt from the relevant section on page 23:

8 6      % width and height of actual image data, in pixels (this image is cropped)

Regarding claims 5:

Examiner directs the applicants to pages 17, 21 and 25, where the cited reference discloses servers, printers and workstations, it is inherent that these devices would include input and output devices. Devoid of input and output devices these systems would be not have any functionality.

Regarding claim 6:

Examiner directs the applicants to Pages 4, 17, 21 and 25, where the cited reference discloses the networking of OPI producers and OPI consumers. OPI consumers and OPI producers are servers and communication between servers is known to be peer-to-peer. Peer-to-peer arrangement simply requires a connection between servers.

### **Claim Rejections - 35 USC § 103**

#### Summary of Arguments:

Regarding claim 7: Applicants argue the following:

OPI relates to communication between software applications.

Applicants request the withdrawal of the rejection.

Regarding claims 8-10: Applicants argue the following:

OPI does not teach:

1. "the converting is performed at the second computing device"

Applicants request the withdrawal of the rejections.

#### Examiner's Response:

Examiner respectfully disagrees.

Regarding claim 7:

Examiner directs the applicants to pages 17 and 21, where OPI relates to communication between servers (i.e. OPI producer server and OPI consumer server).

Regarding claim 8-10:

Examiner directs the applicants to pages 4, 21 and 23, where OPI consumer (second computing device) executes the conversion processing code. OPI consumer reads the comments and performs the needed modifications.

### ***Terminal Disclaimer***

[3] The terminal disclaimer filed on 06 July 2005 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of second application 10/946, 967 and prior patents 6,577,311, 6,850,248 and 6,870,547 has been reviewed and is accepted. The terminal disclaimer has been recorded.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

[4] Claims 1-6, 11, 12, 13-18, 23 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Open Prepress Interface-Version 2.0 (hereinafter “OPI”) [NPL document, see PTO-892].

Regarding claim 1, OPI discloses a distributed computing system with a method of sharing a multi-media object between a first node and a second node, comprising [*Pages 4, 17 and 21: OPI producer and consumers are networked in a distributed environment.*]: at the first node [*Pages 4 and 17: OPI Producer*], storing a digital negative of the multi-media object, wherein the digital negative represents the multi-media object at a first resolution and a first format [*Page 6:*

*MainImageID is the pathname to a high resolution original image (digital negative). Pathname provides the stored (i.e. hard disk, memory or other storage mechanism) location of a file (i.e. a high-resolution image file).]; modifying the digital negative to form a resultant image at a second resolution and a second format [Pages 8 and 23: ImageCropRect crops a section of the original (digital negative) and this changes the resolution. Notice on page 23, a 5760x7200 resolution image is converted to 80x60 subset image. The format is TIFF.]; associating an edit list based on the modifying with the resultant image [Page 23: Cited reference discloses the edit list code and links the digital negative and resultant image. Statements beginning with “%%” define the edit list. It can be glaringly seen that these statements define the modification for the resultant image.]; linking the edit list to the digital negative [Page 23; Cited reference discloses the edit list code and links the digital negative and the resultant image. The command %%ImageFileName defines the file path (i.e. link), where the path defines a location in hard drive or the like of the original (digital negative).]; at the second node [Pages 4 and 21: OPI Consumer], fetching the resultant image [Pages 4, 21 and 23; OPI consumer of the cited reference would perform fetching the resultant image. OPI operates in streams, hence fetching is inherent. Albeit the term fetching is not explicitly disclosed, it is inherently present.]; determining an output resolution and an output format of the resultant image [Pages 7, 8 and 23: ImageDimensions and TIFFASCIITag disclose the output resolution and format. ImageDimensions determines the output resolution of the resultant image and TIFFASCIITag determines the format (i.e. TIFF). It can be seen that the width and height are glaringly defined in terms of ImageDimensions at the middle of the page.]; converting the resultant image to the determined output resolution and the determined output format [Pages 7, 8 and 23; ImageDimensions and TIFFASCIITag dictate the output resolution and format. It can be seen that the width and height are glaringly defined in terms of ImageDimensions at the middle of the page.]; and*

outputting the resultant image at the determined output resolution and output format *[Page 25; Cited art is used with printers.]*.

Regarding claim 2, OPI discloses a method as recited in claim 1 wherein the first resolution is a higher resolution than the second resolution *[Page 6; MainImageID refers to the high resolution image and the cropped output is of lower resolution.]*.

Regarding claim 3, OPI discloses a method as recited in claim 2, wherein the converting comprises: if the determined output resolution is the second resolution, then outputting the resultant image at the second resolution *[Page 25; Cited reference discloses outputting the resultant image at any resolution to the printer.]*.

Regarding claim 4, OPI discloses a method as recited in claim 3, wherein the converting further comprises: if the determined resolution is a third resolution that is different than the second resolution, then fetching the edit list *[Page 23; Disclosed reference shows three resolution conversions.]*; fetching the digital negative linked to the edit list *[Page 23; Cited reference discloses the fetching of image data for main image.]*; operating on the digital negative to form the resultant image at the third resolution based upon the edit list *[Page 23; Executing of the disclosed code by the OPI producer would perform the claimed function.]*.

Regarding claim 5, OPI discloses a method as recited in claim 3, wherein the first node is a first computing device coupled to a first input device and a first output device and wherein the second node is a second computing device coupled to a second output device and a

second input device [Pages 17, 21 and 25; Cited reference discloses servers, printers and workstations, it is inherent that these devices would include input and output devices.]

Regarding claim 6, OPI discloses a method as recited in claim 5, wherein the first computing device and the second computing device are linked in a peer-to-peer arrangement *[Pages 4, 17, 21 and 25; Cited reference discloses the networking of OPI producers and OPI consumers. OPI consumers and producers are servers and communication between servers is known to be peer-to-peer. Peer-to-peer arrangement simply requires a connection between servers.]*.

Regarding claim 11, OPI discloses a method as recited in claim 1, wherein the first format is selected from a group comprising: JPEG, TIFF, and PNG *[Pages 6-7]*.

Regarding claim 12, OPI discloses a method as recited in claim 1, wherein the second format is selected from a group comprising: JPEG, TIFF, and PNG *[Pages 6-7]*.

Regarding claim 13, all limitations are set forth and rejected as per discussion for claim 1.

Regarding claim 14, all limitations are set forth and rejected as per discussion for claim 2.

Regarding claim 15, all limitations are set forth and rejected as per discussion for claim 3.

Regarding claim 16, all limitations are set forth and rejected as per discussion for claim 4.

Regarding claim 17, all limitations are set forth and rejected as per discussion for claim 5.

Regarding claim 18, all limitations are set forth and rejected as per discussion for claim 6.

Regarding claim 23, all limitations are set forth and rejected as per discussion for claim 11.

Regarding claim 24, all limitations are set forth and rejected as per discussion for claim 12.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

[5] Claims 7-10 and 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over OPI.

Regarding claim 7, OPI does not expressly disclose a method as recited in claim 5, wherein the first computing device and the second computing device are wirelessly linked. OPI relates to communication between servers (i.e. OPI producer server and OPI consumer server). Official Notice is taken that linking computing devices wirelessly is well known and expected in the art. Wireless links are a well-known version of networking and are used to give greater portability and are glaringly used in cellular phones, laptops and PDAs.

Regarding claim 8, OPI discloses a method as recited in claim 7, wherein the converting is performed at the second computing device [*Pages 4, 21 and 23; OPI consumer (second computing device) executes the conversion processing code. OPI consumer reads the comments and performs the needed modifications.*].

Regarding claim 9, OPI discloses a method as recited in claim 8, wherein the multi-media object is a digital image formed of a plurality of pixels [*Page 8: Source image in next to last paragraph.*].

Regarding claim 10, OPI discloses a method as recited in claim 9, wherein the converting is performed on a subset of the plurality of pixels based upon the edit list and the third resolution thereby preserving transmission resources required to link the first and the second computing devices [*Pages 4 and 23: Cited reference discloses the minimization of network traffic and three resolution conversions.*].

Regarding claim 19, all limitations are set forth and rejected as per discussion for claim 7.

Regarding claim 20, all limitations are set forth and rejected as per discussion for claim 8.

Regarding claim 21, all limitations are set forth and rejected as per discussion for claim 9.

Regarding claim 22, all limitations are set forth and rejected as per discussion for claim 10.

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### ***Conclusion***

**[6] THIS ACTION IS MADE FINAL.** Applicants are reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

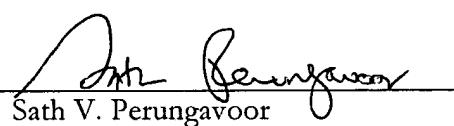
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

### Contact Information

[7] Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mr. Sath V. Perungavoor whose telephone number is (571) 272-7455. The examiner can normally be reached on Monday to Friday from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Bhavesh M. Mehta whose telephone number is (571) 272-7453, can be reached on Monday to Friday from 9:00am to 5:00pm. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
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Date: 19 July 2005

  
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